ENGROSSED
HOUSE BILL No. 1926

DIGEST OF HB 1926 (Updated March 20, 2001 12:35 PM - DI 75)

Citations Affected: IC 4-23.

Synopsis: Accessibility to information technology. Changes all references to data processing in IC 4-23-16 to information technology. Changes the name of the data processing oversight commission to the information technology oversight commission. Provides that the budget director and the commissioner of the Indiana department of administration may each designate an individual serve as their respective representative on the commission. Requires the commission to appoint a group of individuals to adopt standards that are consistent with the principles and goals contained in a federal statute that requires federal computers and other electronic equipment to be accessible to federal employees with disabilities and members of the public with disabilities.

Effective: Upon passage.

Crooks, Welch, Goeglein
(SENATE SPONSOR — SERVER)

January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.
January 30, 2001, reported — Do Pass.
February 15, 2001, read second time, amended, ordered engrossed.
February 16, 2001, engrossed.
February 19, 2001, read third time, passed. Yeas 98, nays 0.
SENATE ACTION
February 27, 2001, read first time and referred to Committee on Commerce and Consumer Affairs.
March 22, 2001, amended, reported favorably — Do Pass.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
 Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
 Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED
HOUSE BILL No. 1926

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 4-23-16-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. There is established
3 the state ~~data processing~~ **information technology** oversight
4 commission.
5   SECTION 2. IC 4-23-16-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The commission
7 shall be composed of **the following** four (4) members:
8   **(1)** A member of the governor's staff, to be appointed by the
9   governor.
10   **(2)** A member of the auditor's staff, to be appointed by the auditor
11   of state.
12   **(3)** The director of the ~~state~~ budget agency ~~and~~ **or the director's**
13   **designee.**
14   **(4)** The commissioner of the ~~state~~ **Indiana** department of
15   administration **or the commissioner's designee.**
16   SECTION 3. IC 4-23-16-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The staff of the

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commission shall assist the commission in implementing this chapter.

(b) The commission ~~may~~ **shall** create, from existing state agency personnel **or other individuals and organizations,** any additional groups or committees necessary ~~to allow it~~ to carry out its responsibilities.

SECTION 4. IC 4-23-16-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.2. (a) Subject to the direction of the commission, the staff shall do the following:

(1) Provide technical staff support services to the commission.

(2) Monitor trends and advances in ~~data processing~~ **information technology.**

(3) Develop an overall strategy and architecture for the use of ~~data processing~~ **information** technology in state government.

(4) Coordinate state ~~data processing~~ **information technology** master planning.

(5) Review and recommend actions to the commission on project requests, contracts, and technical documents.

(6) Provide consulting and technical advisory services to state agencies.

(7) Monitor agency ~~data processing~~ **information technology** activities.

(8) Review ~~data processing~~ **information technology** project plans and budget requests.

(9) Develop and maintain policies, procedures, and guidelines for the effective use of ~~data processing~~ **information** technology.

(10) Monitor ~~data processing~~ **information technology** legislation and recommend needed legislation to the commission.

(11) Conduct periodic management reviews of ~~data processing~~ **information technology** activities within state agencies.

(12) Maintain an inventory of ~~data processing~~ **information technology** resources and expenditures.

(13) Perform other related functions and duties that are requested by the commission.

(b) The commission may require a director of ~~data processing~~ **information technology** services or other knowledgeable individuals employed by an agency to advise and assist the staff in carrying out the commission's functions.

SECTION 5. IC 4-23-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As used in this chapter, ~~"data processing"~~ **"information technology"** includes the resources, technologies, and services associated with the fields of:

(1) information processing;

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1   (2) office automation; and
2   (3) telecommunication facilities and networks.
3   (b) It shall be the responsibility of the commission to coordinate the
4   operations of the various ~~data processing~~ **information technology**
5   systems within the executive, including the administrative, branch of
6   state government insofar as is possible without infringing upon the
7   prerogatives of the separately elected state officials. The objectives of
8   the commission shall be to develop consistent policy and to promote
9   economical, effective, and integrated ~~data processing~~ **information**
10   **technology** services, **technology accessibility,** operational security,
11   and adherence to the principles of the code of fair information practices
12   for individual privacy.
13   SECTION 6. IC 4-23-16-8 IS AMENDED TO READ AS
14   FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Except as
15   provided in subsection (b), all requests and contracts for ~~data~~
16   ~~processing~~ **information technology** consultants and contractors, all
17   requests and contracts for facilities management contractors, all
18   requests and contracts for computer equipment or software rental,
19   lease, or acquisition, and all requests for the sharing of either data or
20   systems with any other agency of state, local, or federal government or
21   with any nongovernmental entity must be submitted to the commission,
22   or to the designee of the commission, for review and approval. **The**
23   **commission may not approve a request or contract submitted**
24   **under this section unless the request or contract complies with the**
25   **accessibility standards developed under section 12 of this chapter.**
26   (b) Contracts by separately elected state officials are subject to
27   review and comment by the commission but are not subject to the
28   approval of the commission. A contract by a separately elected state
29   official must be submitted for review and comment by the commission,
30   or by a designee of the commission, at least thirty (30) days before it is
31   approved under IC 4-13-2-14.1.
32   SECTION 7. IC 4-23-16-9 IS AMENDED TO READ AS
33   FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. All agencies in the
34   executive, including the administrative, branch of state government
35   shall annually submit to the commission ~~a data processing~~ **an**
36   **information technology** resource inventory to include all ~~data~~
37   ~~processing~~ **information technology** hardware, software, technical
38   personnel and ~~data processing~~ **information technology** contracts.
39   SECTION 8. IC 4-23-16-10 IS AMENDED TO READ AS
40   FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. The commission
41   shall conduct such studies and reviews as it deems necessary to provide
42   high quality, cost effective ~~data processing~~ **information technology**

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1   within state government, with adequate protections of the individual

2   citizen's interests in personal privacy. It shall recommend to the

3   appropriate state official, the governor or the legislature, any necessary

4   changes in ~~data processing~~ **information technology** within state

5   government.

6   SECTION 9. IC 4-23-16-12 IS ADDED TO THE INDIANA CODE

7   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

8   1, 2001]: **Sec. 12. (a) The commission shall appoint a group to**

9   **develop standards that are compatible with principles and goals**

10   **contained in the electronic and information technology accessibility**

11   **standards adopted by the architectural and transportation barriers**

12   **compliance board under Section 508 of the federal Rehabilitation**

13   **Act of 1973 (29 U.S.C. 749d), as amended.**

14   **(b) The group shall consist, at minimum, of the following:**

15   **(1) A representative of an organization with experience in and**

16   **knowledge of assistive technology policy.**

17   **(2) An individual with a disability.**

18   **(c) If an agency cannot immediately follow the information**

19   **technology accessibility standards, it shall submit a plan for undue**

20   **burden with timelines for compliance and the plan must provide**

21   **alternative means for accessibility during the period.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1926, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FRY, Chair

Committee Vote: yeas 14, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1926 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is established the state ~~data processing~~ **information technology** oversight commission.".

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 4-23-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The staff of the commission shall assist the commission in implementing this chapter.

(b) The commission ~~may~~ **shall** create, from existing state agency personnel **or other individuals and organizations,** any additional groups or committees necessary ~~to allow it~~ to carry out its responsibilities.

SECTION 3. IC 4-23-16-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) Subject to the direction of the commission, the staff shall do the following:

(1) Provide technical staff support services to the commission.

(2) Monitor trends and advances in ~~data processing~~ **information** technology.

(3) Develop an overall strategy and architecture for the use of ~~data processing~~ **information** technology in state government.

(4) Coordinate state ~~data processing~~ **information technology** master planning.

(5) Review and recommend actions to the commission on project requests, contracts, and technical documents.

(6) Provide consulting and technical advisory services to state agencies.

(7) Monitor agency ~~data processing~~ **information technology** activities.

(8) Review ~~data processing~~ **information technology** project plans and budget requests.

(9) Develop and maintain policies, procedures, and guidelines for the effective use of ~~data processing~~ **information** technology.

(10) Monitor ~~data processing~~ **information technology** legislation and recommend needed legislation to the commission.

(11) Conduct periodic management reviews of ~~data processing~~

information technology activities within state agencies.

(12) Maintain an inventory of ~~data processing~~ **information technology** resources and expenditures.

(13) Perform other related functions and duties that are requested by the commission.

(b) The commission may require a director of ~~data processing~~ **information technology** services or other knowledgeable individuals employed by an agency to advise and assist the staff in carrying out the commission's functions.

SECTION 4. IC 4-23-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, ~~"data processing"~~ **"information technology"** includes the resources, technologies, and services associated with the fields of:

(1) information processing;

(2) office automation; and

(3) telecommunication facilities and networks.

(b) It shall be the responsibility of the commission to coordinate the operations of the various ~~data processing~~ **information technology** systems within the executive, including the administrative, branch of state government insofar as is possible without infringing upon the prerogatives of the separately elected state officials. The objectives of the commission shall be to develop consistent policy and to promote economical, effective, and integrated ~~data processing~~ **information technology** services, **technology accessibility,** operational security, and adherence to the principles of the code of fair information practices for individual privacy.".

Page 2, line 2, strike "data".

Page 2, line 3, strike "processing" and insert "**information technology**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 3. IC 4-23-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. All agencies in the executive, including the administrative, branch of state government shall annually submit to the commission ~~a data processing~~ **an information technology** resource inventory to include all ~~data processing~~ **information technology** hardware, software, technical personnel and ~~data processing~~ **information technology** contracts.

SECTION 4. IC 4-23-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The commission shall conduct such studies and reviews as it deems necessary to provide high quality, cost effective ~~data processing~~ **information technology** within state government, with adequate

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protections of the individual citizen's interests in personal privacy. It shall recommend to the appropriate state official, the governor or the legislature, any necessary changes in ~~data processing~~ **information technology** within state government.".

Page 2, line 21, after "(a)" delete "The commission shall develop" and insert "**The commission shall appoint a subcommittee to develop standards that are compatible with principles and goals contained in the electronic and information technology accessibility standards adopted by the architectural and transportation barriers compliance board under Section 508 of the federal Rehabilitation Act of 1973(29 U.S.C. 749d), as amended.**

(b) The subcommittee shall consist, at minimum, of the following:

(1) A representative of an organization with experience in and knowledge of assistive technology policy.

(2) An individual with a disability.

(3) The state procurement officer.

(4) The chief information officer.

(5) The state personnel director.

(c) Project requests made under section 8 of this chapter shall comply with the standards developed under this section.

(d) An agency must submit a plan for undue burden with timelines for compliance and must provide alternative means for accessibility during the period.".

Page 2, delete lines 22 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1926 as printed January 31, 2001.)

CROOKS

COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred House Bill No. 1926, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTIONS 1 through 9 with "[EFFECTIVE JULY 1, 2001]".

Page 1, line 7, reset in roman "four (4)".

Page 1, line 7, delete "seven (7)".

Page 1, line 12, delete ".".

Page 1, line 12, after "and" insert "**or the director's designee.**".

Page 1, line 14, delete "." and insert "**or the commissioner's designee.**"

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 3.

Page 4, line 15, delete "subcommittee" and insert "**group**".

Page 4, line 19, delete "1973(29 U.S.C. 749d)" and insert "**1973 (29 U.S.C. 749d)**".

Page 4, line 20, delete "subcommittee" and insert "**group**".

Page 4, delete lines 25 through 29.

Page 4, line 30, delete "(d) An" and insert "**(c) If an**".

Page 4, line 30, delete "must" and insert "**cannot immediately follow the information technology accessibility standards; it shall**".

Page 4, line 31, after "and" insert "**the plan**".

Page 4, delete line 33.

and when so amended that said bill do pass.

(Reference is to HB 1926 as reprinted February 16, 2001.)

SERVER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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